

4-23-07

IAP12 Rec'd PCT/PTO 20 APR 2007

PTO-1390 (Rev. 09-2006)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

**ADAM0003-100**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

**10/574,377**

INTERNATIONAL APPLICATION NO.

**PCT/IB2004/003196**

INTERNATIONAL FILING DATE

**30 September 2004**

PRIORITY DATE CLAIMED

**3 October 2003**

TITLE OF INVENTION

**BLASTING**

APPLICANT(S) FOR DO/EO/US

**Nils Alberto Heinke, Roger Dean Skaggs and Stephen Mitchell Collinsworth**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An executed oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5))

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/574,377</b>	INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/003196</b>	ATTORNEY'S DOCKET NUMBER <b>ADAM0003-100</b>
20. Other items or information: - Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated February 22, 2007 - Communication In Response To Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) Dated February 22, 2007, Concerning Additional Claims Fee		
The following fees have been submitted		<b>CALCULATIONS</b> <b>PTO USE ONLY</b>
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) .....\$300		\$
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))  If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0 All other situations .....\$200		\$
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB .....\$400 All other situations .....\$500		\$
<b>TOTAL OF 21, 22 and 23 =</b>		\$
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) in an electronic medium or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	0/50 =	x \$250
		\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	22 - 22 =	00
		x \$ 50
Independent claims	02 - 03 =	00
		x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
<b>TOTAL OF ABOVE CALCULATIONS =</b>		\$130.00
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL=</b>		\$65.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		\$65.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		\$
<b>TOTAL FEES ENCLOSED =</b>		\$
		Amount to be refunded:
		\$
		Amount to be charged:
		\$65.00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3111 in the amount of \$65.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3111. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038. The PTO-2038 should only be mailed or faxed to the USPTO. However, when paying the basic national fee, the PTO-2038 may NOT be faxed to the USPTO.

**ADVISORY:** If filing by EFS-Web, do NOT attach the PTO-2038 form as a PDF along with your EFS-Web submission. Please be advised that this is **not** recommended and by doing so your **credit card information may be displayed via PAIR**. To protect your information, it is recommended paying fees online by using the electronic payment method.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Cozen O'Connor, P.C.  
1900 Market Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
(215) 665-5593 - Telephone  
(215) 701-2005 - Facsimile

  
SIGNATURE

Doreen Yatko Trujillo

35,719

REGISTRATION NUMBER

April 20, 2007

DATE

04/25/2007 MKAYPAGH 00000159 503111 10574377

01 FC:2617 65.00 DA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/574,377	FIRST NAMED APPLICANT Nils Alberto Heinke	ATTY. DOCKET NO. ADAM0003-100
INTERNATIONAL APPLICATION NO. PCT/IB04/03196		
I.A. FILING DATE 09/30/2004		PRIORITY DATE 10/03/2003

34132  
COZEN O'CONNOR, P.C.  
1900 MARKET STREET  
PHILADELPHIA, PA 19103-3508

CONFIRMATION NO. 2309

371 FORMALITIES LETTER

\*OC000000022580506\*

Date Mailed: 02/22/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/03/2006
- Copy of the International Search Report filed on 04/03/2006
- Copy of IPE Report filed on 04/03/2006
- Copy of Annexes to the IPE filed on 04/03/2006
- Preliminary Amendments filed on 04/03/2006
- Information Disclosure Statements filed on 04/03/2006
- Oath or Declaration filed on 04/03/2006
- Request for Immediate Examination filed on 04/03/2006
- U.S. Basic National Fees filed on 04/03/2006
- Priority Documents filed on 04/03/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$115** for a Small Entity:

- \$65 Surcharge.
- Total additional claim fee(s) for this application is \$ 50
  - \$50 for 2 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

#### PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,377	PCT/IB04/03196	ADAM0003-100

DOCKET NO. ADAM003-100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of: Heinke et al.

Confirmation No.: 2309

Serial No.: 10/574,377

Art Unit: Not Yet Assigned

Filed: April 3, 2006

Examiner: Not Yet Assigned

FOR: BLASTING

Customer No.: 34132

EXPRESS MAIL LABEL NO. EV552 971 906US  
DATE OF DEPOSIT: April 20, 2007

MAIL STOP MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

COMMUNICATION IN RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) DATED FEBRUARY 22, 2007, CONCERNING ADDITIONAL CLAIMS FEE

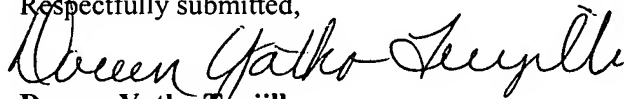
This communication is being filed in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated February 22, 2007 ("Notification"). The Notification alleges that an additional claims fee is due of \$50.00, as a small entity. The undersigned had already requested that any additional fees be charged to Deposit Account No. 50-1275. A copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 filed by Express Mail on April 3, 2006 ("Transmittal Letter") (Exhibit 1), in the above-identified patent application, making the request is attached. Also enclosed is a copy of the "stamped" return postcard acknowledging receipt of the Transmittal Letter (Exhibit 1).

Applicants respectfully repeat their request, but request that U.S. Patent Office debit a different depository account, which is Deposit Account No. 50-3111, in the amount of \$50.00 for the additional two claims (Claims - extra total (over twenty) - Fee Code 1615/2615), in accordance to the USPTO Fee Schedule, Effective February 1, 2007. Applicants also respectfully requests that the enclosed documents be acknowledged and that the records be updated accordingly.

Dated:

April 20, 2007

Respectfully submitted,



Doreen Yatko Trujillo  
Registration No. 35,719

COZEN O'CONNOR, P.C.  
1900 Market Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
(215) 665-5593 - Telephone  
(215) 701-2005 - Facsimile

RECEIVED IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
Via Express Mail Label EV 552953920 US

Paper: Form PTO-1390 Transmittal Letter to USRO in duplicate; copy of PCT Publication No. WO 2005/033618 A1; Unexecuted Declaration ; Preliminary Amendment; Information Disclosure Statement citing four references; copies of four references; International Preliminary Report on Patentability with 05 September 2005 Amended claim sheets; authorization to charge deposit account no. 50-1275 in the amount of \$500.00 for filing fees; Applicant: Nils Alberto HEINKE, Roger Dean SKAGGS and Stephen Mitchell

COLLINSWORTH

Title: BLASTING

Serial No.: Not Yet Assigned

Filing Date: Herewith

Docket No.: ADAM0003-100

Date Sent: 03 April 2006

M.Straher/M.Patane/Iroman

10/574377

RECEIVED IN THE UNITED STATES PATENT & TRADEMARK OFFICE  
Via Express Mail Label EV 552953920 US

Paper: Form PTO-1390 Transmittal Letter to USRO in duplicate; copy of PCT Publication No. WO 2005/033618 A1; Unexecuted Declaration ; Preliminary Amendment; Information Disclosure Statement citing four references; copies of four references; International Preliminary Report on Patentability with 05 September 2005 Amended claim sheets; authorization to charge deposit account no. 50-1275 in the amount of \$500.00 for filing fees; Applicant: Nils Alberto HEINKE, Roger Dean SKAGGS and Stephen Mitchell

COLLINSWORTH

Title: BLASTING

Serial No.: Not Yet Assigned

Filing Date: Herewith

Docket No.: ADAM0003-100

M.Straher/M.Patane/Iroman

APR 23 2006  
MAY 15 2006

Date Sent: 03 April 2006